

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(Amendment)**

**301 KAR 2:041. Shooting areas, dog training areas, commercial foxhound training enclosures, and bobwhite shoot-to-train season.**

RELATES TO: KRS 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(28), 150.240(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial foxhound training enclosures.

Section 1. Definitions. (1) "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.

(2) "Hoofed animal" means ungulate wildlife except wild hogs~~[hog]~~ and javelinas~~[javelina]~~.

(3) "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons. (1) The dog training area season and the dog training area hunting season shall be year-round for:

(a) Captive-reared bobwhite quail; and

(b) Pheasant and chukar, pursuant to 301 KAR 3:030.

(2) The shooting area hunting seasons shall be as follows:

(a) Bobwhite quail: August 15 through April 15;

(b) Mallard ducks: year-round;

(c) Hoofed animals: September 1 through May 15; and

(d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements. (1) A person shall only shoot on private land.

(2) Prior to shooting, a person shall:

(a) Apply on the Bobwhite Quail Shoot-to-Train Application provided by the department;

(b) Submit the completed application to the department;

(c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;

(d) Possess:

1. Proof of purchase of captive-reared bobwhite quail; or

2. A captive wildlife permit;

(e) Band all captive-reared bobwhite quail with:

1. Aluminum, #7 leg bands; or

2. Department-issued, aluminum leg bands;

(f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are

present; and

(g) Release banded birds immediately prior to dog training or shooting.

(3) A person shall contact the department to update an application that is no longer accurate.

(4) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite present on the site.

(5) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:

(a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or

(b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers. (1) A person shall obtain a permit from the department before operating the following:

(a) A shooting area for birds;

(b) A dog training area; or

(c) A commercial foxhound training enclosure.

(2) A new shooting area permit shall not be issued for hooved animals.

(3) The following permits shall be valid from July 1 through June 30:

(a) Dog training area permit;

(b) Shooting area permit for birds; and

(c) Shooting area permit for hooved animals in existence prior to March 8, 2002.

(4) A commercial foxhound training enclosure permit shall be valid for one (1) year from the date of issuance.

(5) A person shall apply using the appropriate form provided by the department:

(a) Shooting Area Permit Application;

(b) Commercial Foxhound Training Enclosure Permit Application; or

(c) Dog Training Area Permit Application.

(6) An application for a dog training area shall not be approved until a department conservation officer or biologist inspects the area to determine if it meets the requirements established in Section 6 of this administrative regulation.

(7) An applicant for a shooting area, dog training area, or commercial foxhound training enclosure shall provide documentation proving the applicant is the:

(a) Owner of the land where the facility is to be located; or

(b) Lessee of the land where the facility is to be located.

(8) A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by a conservation officer or biologist prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Completes a Shooting Area Permit Transfer Application provided by the department; and

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(9) A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

(10) If ownership of a commercial foxhound training enclosure changes, the new owner shall be responsible for applying for a new permit.

(11) A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

(12) A shooting area hunting license shall be valid for only one (1) specific shooting area.

Section 5. Shooting Area Requirements. (1) The boundary of a shooting area shall be marked with signs:

- (a) At least eight (8) inches by twelve (12) inches;
- (b) Having a white background with contrasting letters at least one (1) inch high;
- (c) That read "Shooting Area"; and
- (d) Placed no more than 500 feet apart.

(2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

- (a) Name;
- (b) Address; and
- (c) Hunting license number.

(4) A permit holder shall:

(a) Obtain a bill of sale or receipt for each purchase that contains the number of:

- 1. Game birds purchased; or
- 2. Game bird eggs purchased; and

(b) Retain previous year's records and receipts for at least one (1) full year.

(5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements. (1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.

(2) The dog training area shall:

(a) Be contiguous;

(b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height; and

(c) Have a marked boundary with signs:

- 1. At least eight (8) inches by twelve (12) inches high;
- 2. Having a white background with contrasting letters at least one (1) inch high;
- 3. That read "Dog Training Area"; and
- 4. Placed no more than 150 feet apart.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

- (a) Name;
- (b) Address; and
- (c) Hunting license number.

(4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.

(5) A person using a dog training area shall possess:

- (a) A bill of sale or receipt for any bobwhite quail released on the area; and
- (b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals. (1) A shooting area permit holder shall not import or release a hoofed animal.

(2) A ~~grandfathered~~ shooting area permit holder who legally holds hoofed animals shall:

- (a) Keep a record of the:
  - 1. Total number of each hoofed species taken;
  - 2. Name of each hunter;
  - 3. Address of each hunter;
  - 4. Hunting license number of each hunter; and
  - 5. Species taken by each hunter; and
- (b) Submit to the department all records each month from September through May.
- (3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial Foxhound Training Enclosures. (1) A commercial foxhound training enclosure shall:

- (a) Be at least 200 acres;
- (b) Be fenced to enclose foxes; and
- (c) Not be divided by an interior fence that restricts the range of foxes to less than 200 acres.
- (2) Two (2) or more enclosures under the same ownership or management may be licensed under the same permit if:
  - (a) Each enclosure is at least 200 acres in size; and
  - (b) The enclosures share a common fence.
  - (3) The permit holder shall provide for the foxes:
    - (a) Food;
    - (b) Water;
    - (c) Shelter from inclement weather; and
    - (d) At least one (1) of the following, which is sufficient to prevent capture by foxhounds, per every fifty (50) acres:
      - 1. Natural den;
      - 2. Constructed den;
      - 3. Box; or
      - 4. Hollow log.
  - (4) A fox held for release into an enclosure shall be confined pursuant to 301 KAR 2:081.
  - (5) A person shall not intentionally engage in an activity which would cause foxhounds to injure or kill a fox in an enclosure.
  - (6) Fox chasing on permitted areas shall be considered an authorized field trial if a fox is not captured or killed.
  - (7) A person shall not take any wildlife within an enclosure except under legal statewide seasons and methods.
  - (8) The owner or operator of an enclosure shall:
    - (a) Allow a conservation officer to inspect the facility at any reasonable time; and
    - (b) Comply with all permitting requirements, if applicable, pursuant to 301 KAR 2:081.

Section 9. Revocation of Permits. (1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, or any federal fish and wildlife laws, shall have his or her permit revoked for a period of one (1) year.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Shooting Area Permit Application", July 2012 edition;
- (b) "Commercial Foxhound Training Enclosure Permit Application", July 2012 edition;
- (c) "Dog Training Area Permit Application", July 2012 edition;

(d) "Shooting Area Permit Transfer Application", July 2012 edition; and

(e) "Bobwhite Quail Shoot-to-Train Application", July 2012 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RICH STORM, Commissioner

MICHAEL E. BERRY, Secretary

APPROVED BY AGENCY: May 19, 2021

FILED WITH LRC: May 19, 2021 at 4:29 p.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 25, 2021 at 9:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through August 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial foxhound training enclosures.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to establish a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial foxhound training enclosures.

(c) How does this administrative regulation conform to the authorizing statute: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing all the requirements for a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting area, dog training areas, and commercial foxhound training enclosures.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment cleans up and simplifies language in the existing regulation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as part of the agencies continued efforts to update and simplify our regulations,

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: All individuals operating shooting areas, dog training areas, commercial foxhound training enclosures, or participating in the bobwhite shoot-to-train season shall be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Follow the provisions set forth in regards to bobwhite shoot-to train season and other requirements to ensure uniform operation of shooting area, dog training areas, and commercial foxhound training enclosures.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not alter any costs for the entities in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Uniform compliance with the provisions of the regulation and limited conflict with native wildlife or existing statewide seasons

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment.

Additional fees for direct implementation of this regulation are not necessary, as infrastructure for administration of this regulation already exists.

(8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals are treated the same.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.175(28), 150.240(2)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated for state and local governments.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs for the first year.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: